

December 14, 1982

CONGRESSIONAL RECORD — SENATE

S 14727

section shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(h) If a producer fails to comply fully with the terms and conditions of the program authorized by this section, the Secretary may, nevertheless, make payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(i) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(j) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(k) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for the sharing, on a fair and equitable basis, of payments made under this section.

"(l) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignments of payments) shall be applicable to payments made under this section.

"(m) The authority and program under this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation, or any program, established under any other provisions of law."

TITLE II—EXPANSION OF MARKETS FOR, AND THE DISPOSITION OF, UNITED STATES AGRICULTURAL COMMODITIES

EXPANSION OF UNITED STATES AGRICULTURAL MARKETS

SEC. 201. The Agriculture and Food Act of 1981 is amended by inserting after section 1209 a new section as follows:

"EXPANSION OF UNITED STATES AGRICULTURAL MARKETS THROUGH THE USE OF COMMODITIES ACQUIRED BY THE COMMODITY CREDIT CORPORATION"

SEC. 1209A. (a) Notwithstanding any other provision of law, the Secretary of Agriculture may formulate and carry out an export expansion program under which commodities acquired by the Commodity Credit Corporation through price support operations are tendered at no cost to United States exporters, United States users, and foreign purchasers to encourage development, maintenance, and expansion of markets for United States agricultural commodities and the products thereof.

"(b) In carrying out the program authorized by this section, the Secretary shall—

"(1) take such action as may be necessary to ensure that the program provides equal treatment to domestic and foreign purchasers and users of United States agricultural commodities in any case where the importation of a manufactured product made, in whole or in part, from a commodity made available for export under this section would place domestic users of the commodity at a competitive disadvantage;

"(2) ensure insofar as possible that any use of Commodity Credit Corporation stocks for the purposes of the program authorized under this section be made in such manner as to encourage increased use and avoid displacing usual marketings of the United States; and

"(3) take reasonable precautions to prevent the resale or transshipment to other

nations, or use for other than domestic use in the nation to which stocks of the Commodity Credit Corporation are shipped, of the stocks of the Commodity Credit Corporation made available to export participants in the program.

"(c) The Secretary of Agriculture shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(d) The Secretary of Agriculture may issue such regulations as the Secretary deems necessary to carry out this section.

"(e) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law."

EXPANDED AUTHORITY FOR THE USE ABROAD OF COMMODITY CREDIT CORPORATION STOCKS

SEC. 202. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by striking out the last two sentences and inserting in lieu thereof the following: "Such dairy products and other agricultural commodities and products thereof acquired by the Commodity Credit Corporation may also be donated through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities and products thereof so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery. To ensure that any such donations for use outside the United States complement, and are coordinated with, other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. Agricultural commodities acquired by the Commodity Credit Corporation may also be used to increase the level of agricultural exports under titles I and III of the Agricultural Trade Development and Assistance Act of 1954 consistent with the purposes of that Act and shall be in addition to the level of assistance programmed under that Act."

IMPROVED DISTRIBUTION OF SURPLUS AGRICULTURAL COMMODITIES

SEC. 203. Section 1114(a) of the Agriculture and Food Act of 1981 is amended by inserting at the end of the first sentence thereof the following new sentence: "Whenever a commodity is made available without charge or credit, the Secretary of Agriculture shall encourage consumption thereof through agreements with private companies under which the commodity is processed into end products for use by eligible recipients, with the expense of the processing to be borne by the recipients."

COMMODITY CREDIT CORPORATION SALES OF EXTRA LONG STAPLE COTTON

SEC. 204. Section 407 of the Agricultural Act of 1949 is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this section, effective beginning thirty days after the enactment of this sentence, stocks of extra long staple cotton held by the Commodity Credit Corporation may be sold for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton."

DISPOSITION OF DAIRY PRODUCTS

SEC. 205. The Secretary of Agriculture is encouraged to donate abroad, or sell for export at the best price obtainable, at least

50,000 metric tons of dairy products owned by the Commodity Credit Corporation, during each of the fiscal years 1983 through 1985. The Secretary shall report semiannually to Congress on the status of such donations or sales.

PRESIDENTIAL REPORT ON STATUS OF NEGOTIATING A NEW LONG-TERM GRAIN SALES AGREEMENT WITH THE SOVIET UNION

SEC. 206. The President shall report to Congress by December 31, 1982, on his reasons for maintaining the measures announced on December 29, 1981, postponing negotiations with the government of the Soviet Union on the terms and conditions of a new long-term grain sales agreement.

Amend the title of the bill so as to read: "A bill to establish a special payment-in-kind land conservation program, expand markets for United States agricultural commodities, and for other purposes."

PENTAGON POLYGRAPH TESTS

Mr. CRANSTON. Mr. President, several weeks ago I requested that the Government Operations Subcommittee on Civil Service, Post Office, and General Services hold hearings on the implications of a proposed Pentagon directive expanding the use of polygraph tests for its employees, defense contractors, and even Government workers in other departments.

My good friend from Alaska and the chairman of that subcommittee, Senator STEVENS, was most accommodating. Unfortunately, because of unavoidable scheduling conflicts the hearing he had planned to hold today was canceled. I thank the Senator from Alaska for his efforts on this matter.

The provisions of the Pentagon's proposed draft for expanding the use of polygraph tests raise serious questions about the Federal Government invading the privacy and violating the constitutional rights of its employees, as guaranteed by the Bill of Rights.

The rights of individual liberty and of privacy go to the very heart of our democracy. They distinguish our system of government from totalitarian regimes.

I object to the indignity of randomly subjecting Government employees to lie detector tests simply to satisfy the concern that someone, somewhere within the vast bureaucracy of the Pentagon, is leaking information. What are the odds of discovering who may have leaked information? Obviously, the purpose of random testing would be to intimidate Federal employees by threatening their livelihoods. Former President Nixon understood this type of threat. Nixon wanted to give 1,500 employees polygraph tests to stop White House leaks in 1971. "I don't know anything about polygraphs," Nixon said, "but I know they'll scare the hell out of people."

Defense Secretary Caspar Weinberger is trying to out-Nixon Nixon. He wants the power to subject 15,000 to 20,000 people—in and out of Government—to lie detector tests.

Has the Department of Defense ever caught any spies by using the poly-

6

S 14728

CONGRESSIONAL RECORD — SENATE

December 14, 1982

graph test? If so, how many? None of the literature I have seen on the intelligence community has identified even one such case. Has the department ever identified a spy who had earlier passed a polygraph examination? According to the Puzzle Palace, there have been three in the National Security Agency. Finally, has the Pentagon ever conducted a scientific study to determine whether polygraph tests are reliable at detecting deception or whether they pose the risk of false accusation? Apparently the last such study, done in 1962, was inconclusive. Congress ought to have these questions officially answered before the administration tries to wire-up innocent people.

Over the past decade, several congressional committees and subcommittees have concluded that the polygraph test has yet to demonstrate either its validity or reliability in differentiating between truth and deception. In the words of former Senator Sam Ervin, who opposes the use of these devices for Federal employment, "what is recorded is not the subject's veracity but his psychological responses to an examiner's questions and the graphs recorded are worthless unless 'interpreted' by the examiner. It is his judgement and not some demonstrated physical fact that determines the truthfulness of the individual's response.

The new directive would affect people's jobs, what kind of jobs they will have and whether, in fact, they will have jobs at all. Lie detector tests are unreliable and will never prove to be successful devices for protecting the security of our Nation. This is massive witchhunt machinery—no more, no less.

Under the proposed directive the Pentagon could apparently intimidate people without regard to whether, in fact, a national security interest exists. Under the current directive, the Department has used the polygraph test only two occasions, according to a recent General Accounting Office report. One of these was ordered by Deputy Secretary of Defense Frank C. Carlucci in an unsuccessful effort to discover who informed the press last January about an internal Defense Department study. That study concluded it would cost \$750 billion more than publicly announced to implement President Reagan's 5-year rearmament program. Those news articles did not involve matters of national security, but very much involved issues of paramount public interest.

We cannot allow a situation to develop where Federal employees must relinquish their constitutional freedoms in order to keep their jobs.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:39 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to each of the following bills:

H.R. 3942. An act to amend the Commercial Fisheries Research and Development Act of 1964; and

H.R. 6204. An act to provide for appointment and authority of the Supreme Court Police, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the following bill:

H.R. 6758. an act to authorize the sale of defense articles, defense services, and unclassified defense service publications to United States companies for incorporation into end items to be sold to friendly foreign countries.

The message further announced that the House has passed the following bills, without amendment:

S. 1444. An act to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes;

S. 1681. An act to designate the southern Nevada water project the "Robert B. Griffith Water Project";

S. 2034. An act to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam"; and

S. 2710. An act to establish the Charles C. Deam Wilderness in the Hoosier National Forest, Indiana.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res 130. Concurrent resolution expressing the sense of the Congress that the advancement of science and technology in the communications and electronics industry is vital to the needs of the United States.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7144) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1983, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints, Mr. Dixon, Mr.

NATCHER, Mr. STOKES, Mr. WILSON, Mr. LEHMAN, Mr. WHITTEN, Mr. COUGHLIN, Mr. GREEN, Mr. PORTER, and Mr. CONTE, as managers on the part of the House.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 823. An act to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn, or fiber, and for other purposes.

The message further announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 816. An act to amend the Clayton Act to limit the circumstances under which foreign governments may sue for violations of the antitrust laws, and for other purposes;

S. 835. An act for the relief of Jerry L. Crow;

S. 1407. An act to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes;

S. 2059. An act to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes; and

S. 2355. An act to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4491. An act to exempt the United States Capitol Historical Society from certain taxes;

H.R. 5906. An act to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to clarify provisions relating to claims, financial responsibility, and civil penalties;

H.R. 6120. An act to reauthorize the Deep Seabed Hard Mineral Resources Act for fiscal years 1983 and 1984.

H.R. 6519. An act to amend title 5, United States Code, to allow student interns of the Internal Revenue Service to have access to certain information required by such students in the performance of their official duties;

H.R. 6957. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1983, and for other purposes;

H.R. 6993. An act to revise, codify, and enact without substantive change certain general and permanent laws related to transportation as subtitle I and chapter 31 of subtitle II of title 49, United States Code, "Transportation"; and

H.R. 7378. An act to codify without substantive change recent laws related to money and finance and to improve the United States Code.

The message further announced that the House has agreed to the fol-